

1728--B

Cal. No. 107

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sens. ESPAILLAT, HOYLMAN, KRUEGER, MONTGOMERY, PERKINS, RIVERA, SAMPSON, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the family court act, the criminal procedure law and the domestic relations law, in relation to the duties of interpreters appointed by the courts in certain cases

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The family court act is amended by adding a new section 169  
2     to read as follows:  
3     S 169. INTERPRETATION OF ORDERS OF PROTECTION.     WHERE AN INTERPRETER  
4     HAS BEEN APPOINTED BY THE COURT TO ASSIST IN THE PROCEEDING BEFORE THE  
5     COURT, THE COURT SHALL ALSO DIRECT SUCH INTERPRETER TO INTERPRET INTO  
6     THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE THE INTERPRETER IS PRESENT  
7     IN COURT, THE ESSENTIAL TERMS AND CONDITIONS THAT THE COURT SHALL CLEAR-  
8     LY OUTLINE AND READ INTO THE RECORD, OF ANY ORDER OF PROTECTION OR  
9     TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT UNDER ARTICLE THREE,  
10    FOUR, FIVE, SIX, SEVEN, EIGHT OR TEN OF THIS ACT. SUCH INTERPRETATION  
11    SHALL NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER.     NOTHING  
12    CONTAINED IN THIS SECTION SHALL DELAY EFFECTIVENESS OF THE ORDER OR  
13    CONSTITUTE REVERSIBLE ERROR.  
14    S 2. Section 530.12 of the criminal procedure law is amended by adding  
15    a new subdivision 5-a to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 5-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN  
2 THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTER-  
3 PRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE  
4 THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS  
5 THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE RECORD, OF ANY  
6 ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT  
7 PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL NOT AFFECT THE  
8 VALIDITY OR ENFORCEABILITY OF THE ORDER. NOTHING CONTAINED IN THIS  
9 SUBDIVISION SHALL DELAY EFFECTIVENESS OF THE ORDER OR CONSTITUTE REVERS-  
10 IBLE ERROR.

11 S 3. Section 530.13 of the criminal procedure law is amended by adding  
12 a new subdivision 4-a to read as follows:

13 4-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN  
14 THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH  
15 INTERPRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD,  
16 WHILE THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND  
17 CONDITIONS THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE  
18 RECORD, OF ANY ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION  
19 ISSUED BY THE COURT PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL  
20 NOT AFFECT THE VALIDITY OR ENFORCEABILITY OF THE ORDER. NOTHING  
21 CONTAINED IN THIS SUBDIVISION SHALL DELAY EFFECTIVENESS OF THE ORDER OR  
22 CONSTITUTE REVERSIBLE ERROR.

23 S 4. Subdivision 3 of section 240 of the domestic relations law is  
24 amended by adding a new paragraph a-1 to read as follows:

25 A-1. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN  
26 THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTER-  
27 PRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE  
28 THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS  
29 THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE RECORD, OF ANY  
30 ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT  
31 PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL NOT AFFECT THE  
32 VALIDITY OR ENFORCEABILITY OF THE ORDER. NOTHING CONTAINED IN THIS  
33 PARAGRAPH SHALL DELAY EFFECTIVENESS OF THE ORDER OR CONSTITUTE REVERS-  
34 IBLE ERROR.

35 S 5. Section 252 of the domestic relations law is amended by adding a  
36 new subdivision 1-a to read as follows:

37 1-A. WHERE AN INTERPRETER HAS BEEN APPOINTED BY THE COURT TO ASSIST IN  
38 THE PROCEEDING BEFORE THE COURT, THE COURT SHALL ALSO DIRECT SUCH INTER-  
39 PRETER TO INTERPRET INTO THE APPROPRIATE LANGUAGE ON THE RECORD, WHILE  
40 THE INTERPRETER IS PRESENT IN COURT, THE ESSENTIAL TERMS AND CONDITIONS  
41 THAT THE COURT SHALL CLEARLY OUTLINE AND READ INTO THE RECORD, OF ANY  
42 ORDER OF PROTECTION OR TEMPORARY ORDER OF PROTECTION ISSUED BY THE COURT  
43 PURSUANT TO THIS SECTION. SUCH INTERPRETATION SHALL NOT AFFECT THE  
44 VALIDITY OR ENFORCEABILITY OF THE ORDER. NOTHING CONTAINED IN THIS  
45 SUBDIVISION SHALL DELAY EFFECTIVENESS OF THE ORDER OR CONSTITUTE REVERS-  
46 IBLE ERROR.

47 S 6. This act shall take effect on the ninetieth day after it shall  
48 have become a law and shall apply to orders of protection issued on or  
49 after such effective date.